

**CITY OF LINCOLN, NEBRASKA  
COMMISSION ON HUMAN RIGHTS  
MINUTES**

THURSDAY, April 14, 2011  
CITY COUNCIL CHAMBERS  
555 S. 10<sup>TH</sup> STREET

The April 14, 2011 meeting of the Commission on Human Rights was called to order at 4 p.m. by Chairperson Wendy Francis.

**ROLL CALL:**

The roll call was called and documented as follows:

**MEMBERS PRESENT:**

Commissioners: Jose Quintero, Sue Oldfield, Mary Reece, Takako Olson, Gene Crump and Wendy Francis, Chairperson. Quorum present.

**MEMBERS ABSENT:**

Commissioners: Dick Noble, Hazell Rodriguez and Karla Cooper.

**STAFF PRESENT:**

Angela Lemke, Margie Nichols, Regina Grant, Cori Curtis, Rod Confer and Janice Folkner.

**APPROVAL OF MARCH 31, 2011 MINUTES:**

A motion was made by Commissioner Crump and seconded by Commissioner Olson to approve the minutes of the March 31, 2011 meeting as presented.

Hearing no discussion, Chairperson Francis asked for the roll call. Voting "aye" was: Commissioners Quintero, Oldfield, Olson, Reece and Crump. Abstaining was Commissioner Francis. Motion carried.

**APPROVAL OF APRIL 14, 2011 AGENDA:**

Chairperson Francis stated there will be one case pulled from the agenda, Pre-Determination Settlement LCHR No.: 10-0916-044-E-R. With that change, a motion was made by Commissioner Crump and seconded by Commissioner Reece to approve the April 14, 2011 meeting agenda as presented.

Hearing no discussion, Chairperson Francis asked for the roll call. Voting “aye” was: Commissioners Oldfield, Olson, Reece, Crump, Quintero and Francis. Motion carried.

**CASE DISPOSITIONS:**

**LCHR No.: 10-0723-032-E-R**

A motion for a finding of **No Reasonable Cause** on all allegations was made by Commissioner Crump and seconded by Commissioner Quintero.

Discussion ensued. Commissioner Reece inquired about the incident in January, 2010 with the part-time employee and the complainant, asking if the snow removal was part of the part-time employee’s job description. Investigator Lemke stated the only thing the part-time employee was responsible for, in addition to his regular duties, was sweeping the snow off the balconies and the steps if it was light enough, he was not required to assist with any additional snow removal.

Hearing no further discussion, voting “aye” on the motion for a finding of **No Reasonable Cause** was: Commissioners Crump, Reece, Olson, Oldfield, Quintero and Francis. Motion carried.

**LCHR No.: 10- 0824-037-E-R**

A motion for a finding of **No Reasonable Cause** on all allegations was made by Commissioner Reece and seconded by Commissioner Oldfield.

Chairperson Francis stated the investigation showed there was not any evidence of discrimination. Hearing no discussion, Chairperson Francis asked for the roll call. Voting “aye” on the motion for a finding of No Reasonable Cause for all allegations was: Commissioners Reece, Olson, Oldfield, Quintero, Crump and Francis. Motion carried.

**LCHR No.: 10-0903-039-E-R**

A motion for a finding of **No Reasonable Cause** on all allegations was made by Commissioner Crump and seconded by Commissioner Quintero.

Chairperson Francis stated there is no evidence that the respondent asked the complainant to engage in any discriminatory practices. Hearing no discussion, Chairperson Francis asked for the roll call. Voting “aye” on No Reasonable Cause on all allegations was: Commissioners Olson, Oldfield, Quintero, Crump, Reece and Francis. Motion carried.

**LCHR No.: 10-0903-040-E-R**

A motion for a finding of **No Reasonable Cause** on all allegations was made by Commissioner Oldfield and seconded by Commissioner Reece.

Discussion ensued. Commissioner Reece stated it was unclear to her if the Complainant felt she was discriminated against because the termination from the position of housekeeping manager or from the human resource director position. Lemke stated the complainant told her she felt her supervisor no longer wanted her there for non-discriminatory reasons. Lemke said she then asked the Complainant why she filed a race and age case, which the Complainant replied that it was mainly because she wasn't paid for her vacation upon her resignation.

Hearing no further questions, Chairperson Francis asked for the roll call. Voting "aye" on No Reasonable Cause was: Commissioners Oldfield, Quintero, Crump, Reece, Olson and Francis. Motion carried.

**LCHR No.: 10-0914-042-E-R**

A motion for a finding of **No Reasonable Cause** on all allegations was made by Commissioner Reece and seconded by Commissioner Olson.

Chairperson Francis stated the evidence showed the complainant was terminated after being witnessed to over-serving customers and making inflammatory statements which upset customers. Hearing no further questions, Chairperson Francis asked for the roll call. Voting "aye" on No Reasonable Cause was: Commissioners Quintero, Crump, Reece, Olson, Oldfield and Francis. Motion carried.

**LCHR No.: 10-1214-057-E-R**

A motion for a finding of **No Reasonable Cause** on all allegations was made by Commissioner Crump and seconded by Commissioner Oldfield.

Discussion ensued. Commissioner Quintero questioned the reason the store employee gave as to why the complainant wasn't hired. Investigator Nichols stated there were several reasons as well as the Complainant not being available on the weekends. Commissioner Reece asked Nichols if she felt after speaking with the Respondent that they had a good equal opportunity policy in place, in reference to the employee numbers and racial breakdown listed at the end of the report. Nichols responded that appeared to be the case. Chairperson Francis asked if there is a legal age a person needs to be in order to file a complaint. Nichols stated the Complainant must be at least 19 years of age.

Hearing no further discussion, Chairperson Francis asked for the roll call. Voting “aye” on No Reasonable Cause was: Commissioners Crump, Reece, Olson, Oldfield, Quintero and Francis. Motion carried.

**LCHR No.: 11-0207-003-H**

A motion for a finding of **No Reasonable Cause** was made by Commissioner Reece and seconded by Commissioner Crump.

Discussion ensued. Commissioner Reece stated it was her understanding the person who rented the apartment was not in the position of authority to do so, according to the Respondent. Reece further asked if there is any question as to the Respondent filing a claim against that person? Lemke stated a complaint had been filed and they were able to resolve that issue, which will be discussed later in the Agenda.

Hearing no further discussion, Chairperson Francis asked for the roll call. Voting “aye” on No Reasonable Cause was: Commissioners Reece, Olson, Oldfield, Quintero, Crump and Francis. Motion carried.

**PRE-DETERMINATION SETTLEMENT AGREEMENTS:**

**LCHR No.: 10-0917-017-H**

**LCHR No.: 11-0207-003-H**

**LCHR No.: 11-0308-008-H**

A motion was made by Commissioner Crump and seconded by Commissioner Olson to accept the pre-determination settlement agreements as presented.

Hearing no discussion, Chairperson Francis asked for the roll call. Voting “aye” was: Commissioners Olson, Oldfield, Quintero, Crump, Reece and Francis. Motion carried.

**ADMINISTRATIVE CLOSURES/FAILURE TO COOPERATE:**

**LCHR No.: 10-1015-048-E-R**

**LCHR No.: 10-1202-056-E-R**

A motion was made by Commissioner Crump and seconded by Commissioner Reece to accept the administrative closures.

Hearing no discussion, Chairperson Francis asked for the roll call. Voting “aye” was: Commissioners Oldfield, Quintero, Crump, Reece, Olson and Francis. Motion carried.

**OLD BUSINESS:**

A. Progress Report on Human Rights Space

The Commissioners were able to tour the new space before the Commission meeting today at 3:30 p.m. Confer stated everything is proceeding on schedule and is hopeful the space will be ready by May 15<sup>th</sup>, but certainly by the end of May.

B. History Project

Curtis reported that working on a History Project, specifically the history of civil rights within Lincoln, is proving to be more difficult than he originally thought it would be. He is currently trying to acquire pictures to put into a video display to be used for presentations or in the office. He plans to complete the project either before he graduates or after he graduates.

**NEW BUSINESS:**

A. Director Position Hiring Process and Timeline

Confer stated it has not been confirmed, with the budget constraints, along with an election coming up, who the decision makers will be as to the hiring of a Director for the Commission of Human Rights. Confer went on to say he is hopeful that we will have a new director in position by the first of September, which is the beginning of the next fiscal year. He explained the selection process is under the merit system under the Lincoln Municipal Code and that this position is a classified position, rather than an appointed position. He then asked the Commissioners for their recommendations of publications where an ad could be placed to attract the most qualified candidates to fill this position. In addition, he asked if one of the Commissioners would be willing to be part of a Committee that will assist with developing a Supplemental Questionnaire that will be part of the application and also to assist in the interview process. Chairperson Francis asked the Commissioners if any of them would be willing to volunteer to be part of this Committee. After some discussion, it was agreed that Commissioner Crump will fulfill the request to sit on the Committee.

**PUBLIC COMMENTS:** Commissioner Francis shared that April is Fair Housing Month. She stated the Mayor had met with the Realtors Association and signed his Proclamation recognizing Fair Housing Month. Francis reported the Governor had signed his Proclamation recognizing Fair Housing Month as well.

**Next Meeting:** The next meeting will be held on Thursday, May 26, 2011 at 4:00 p.m. in the City Council Chambers at the County City Building at 555 S. 10<sup>th</sup> Street.

**ADJOURNED:** The meeting adjourned at 4:43 p.m.